

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

WILLIAM H.,<sup>1</sup>

Plaintiff,

v.

MARTIN O'MALLEY,<sup>2</sup>  
Commissioner of Social Security,

Defendant.

Civil No. 2:23cv175

**FINAL ORDER**

Before the Court is Plaintiff William H.'s action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security ("Commissioner") denying his claim for disability insurance benefits and supplemental security income benefits under the Social Security Act. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated June 22, 2023 (ECF No. 6), this matter was referred to United States Magistrate Judge Robert J. Krask for a Report and

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<sup>1</sup> The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

<sup>2</sup> Martin O'Malley is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d).

Recommendation.

On July 24, 2023, Plaintiff filed a motion for summary judgment. ECF No. 8. On August 22, 2023, the Commissioner filed a brief requesting affirmance of the Commissioner's decision. ECF No. 10. On February 15, 2024, Judge Krask filed a report and recommended that Plaintiff's motion for summary judgment be granted and that the decision of the Commissioner be vacated and remanded for further proceedings. ECF No. 11. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within 14 days from the date of mailing of the report. *Id.* at 28.

The Court has received no objections to the report, and the time for filing the same has expired. "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, Advisory Committee's Note). Finding no clear error, the Court does hereby accept the findings and recommendations set forth in the report and recommendation of Magistrate Judge Krask.

Accordingly, the Report and Recommendation (ECF No. 11) is **APPROVED and ADOPTED** in full. Plaintiff's Motion for Summary Judgment (ECF No. 8) is **GRANTED**. The final decision of the Commissioner is **VACATED and REMANDED** for further proceedings consistent with the Report and Recommendation and this Order.

The parties are **ADVISED** that an appeal from this Final Order may be

commenced by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. This written notice must be received by the Clerk within sixty days from the date of this Final Order.

The Clerk is **REQUESTED** to provide a copy of this Order to all parties.

**IT IS SO ORDERED.**

March 1, 2023  
Norfolk, Virginia

/s/  
Arenda L. Wright Allen  
United States District Judge